

### REMARKS

By the foregoing, the claims have been amended to obviate the rejections noted in the Office Action issued March 9, 2004 and to generally place the claims in condition for allowance. In particular, claim 1 has been amended to include the feature of claim 54 wherein the second coordinating atom of one of the ligands  $L^1$  and  $L^2$  is "either a second nitrogen atom, optionally present in a second C=N group, or a sulfur or phosphorus atom." In addition, certain amendments to claims 12, 25, 29, 52 and 53 have been made that either were proposed by the Examiner in the Office Action or are consistent with the Examiner's helpful comments.

Applicants submit that a number of the claim amendments are not to be interpreted as narrowing the scope of the claims. For example, changing the word "may" or phrase "may be" to "are" or "is" does not narrow the scope of the claims since, as noted in applicants' previous response, the features referred to are options or alternatives.

Applicants respectfully submit that the amendments do not raise any new issues requiring further consideration and/or search by the Examiner and instead place the application in condition for allowance. In particular, as the Examiner will note, the amendment to claim 1 is consistent with the indication of allowable subject matter in the Office Action for claim 54. As well, the amendments to claims 12, 25, 29, 52 and 53, for the most part, follow the suggestions mentioned by the Examiner in that Action. As such, the amendments to the claims obviate the outstanding rejections and place the application in condition for allowance.

For at least the foregoing reasons, entry of the amendments to the claims is requested.

### Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication of allowable subject matter for claims 2-11 and 54, as noted in paragraph 6 at page 4 of the Office Action.

### Rejections under 35 U.S.C. §112, second paragraph

**Claims 12-29, 52 and 53 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.** Applicants respectfully submit that these rejections are obviated for at least the following reasons.

In the Office Action, a number of helpful suggestions for amending the claims have been proposed by the Examiner. While applicants do not necessarily agree that the claims require any clarification for the skilled artisan to understand the metes and bounds of the claims (as noted in their

previous response), the suggestions mentioned by the Examiner have for the most part been entered in the interest of expediting the prosecution. For example, the word "may" and phrase "may be" have been amended to recite "are" or "is" in the claims, or been deleted from the claims, in those instances noted by the Examiner for claims 12, 29, 52 and 53. Claim 25 has also been amended as suggested by the Examiner.

For at least the foregoing reasons, the claims are clear within the meaning of §112, second paragraph. Withdrawal of the second paragraph rejections is requested.

**Rejection under 35 U.S.C. §102**

**Claim 1 stands rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Reichle et al. (U.S. Patent No. 5,852,146).** Applicants respectfully submit that this rejection is obviated for at least the following reason.

In the Office Action, claims 2-11 and 54 were indicated to be allowable but for their dependency upon rejected independent base claim 1.

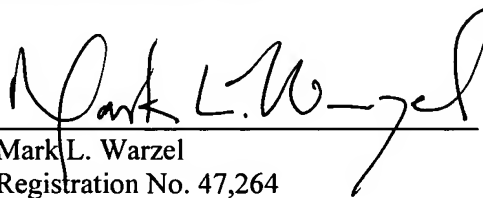
By the foregoing amendment, claim 1 has been amended to include the features of claim 54. According, the rejection of claim 1 based on Reichle et al. is obviated.

For at least the foregoing reasons, the claims are patentable over Reichle. Withdrawal of the §102 rejection based upon Reichle is requested.

Should the Examiner have any questions concerning this amendment or the accompanying remarks, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

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